

**TOWN OF DAVIE
REGULAR MEETING
JANUARY 16, 2002**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:03 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were: Mayor Venis, Vice-Mayor Paul, Councilmembers Clark, Starkey, and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. PRESENTATIONS (7:04 p.m. - 9:44 p.m.)

3.1 Community Redevelopment Agency

Neil Kalis announced that a workshop was scheduled for January 24th for the businesses on the Davie Road corridor and explained that the purpose of the workshop was to get input from stakeholders on how to best market the area. He reported that \$35,000 was available for the purpose of marketing.

Mr. Kalis advised that patriotic banners would replace the holiday banners on Davie Road and displayed two of the banners. He indicated that the CRA had purchased approximately one acre on Davie Road to be utilized as a demonstration project. Mr. Kalis referred to the conceptual site plan for Armadillo Square and stated that the applicant had no objection to staff's desire to table this item until February 6, 2002.

3.2 Zoning in Progress - Mark Kutney

Mr. Kutney reported that staff had visited all areas that were identified during the rural lifestyle workshop. He stated that the Town's land use attorney Andrew Maurodis had advised that any future expansion of the zoning in progress in rural areas would best be served if there was public advertisement prior to taking action. Council directed Mr. Kutney to publicly advertise for a zoning in progress, which would include the areas in the east as well. Vice-Mayor Paul suggested that the same criteria be used for both the east and west sides.

Mr. Kutney reported that staff was looking at several programs regarding rural preservation. He advised that the next rural lifestyle workshop was scheduled for February and staff was in the process of scheduling a speaker from the Department of Community Affairs to speak regarding conservation easement programs and other programs that would assist the Town with the zoning in progress. Mr. Kutney stated that staff was fine-tuning and producing additional maps so that potential zoning in progress lands could be identified. He reported that staff was also looking at a number of strategies that would allow the zoning in progress to be most effective, including adopting a conservation easement program, a corridor plan, revising land zone regulations, and down-zoning properties at property owner's request.

Vice-Mayor Paul asked Councilmember Truex if there were considerable parcels of 20 acres on the east side. Councilmember Truex stated there were some and Councilmember Clark added that there were two. Mr. Kutney clarified that the focus was on one-unit-per acre-sites, indicating that it would cover all parcels that met that criteria. Mayor Venis suggested that after Mr. Kutney reviewed the maps, he present Council with his findings regarding 20-acre sites. Mayor Venis felt that the acreage criteria should be flexible and staff had the discretion to lower that criteria if need be.

TOWN COUNCIL
JANUARY 16, 2002

3.3 Capital Projects Status Report - Bruce Bernard

Public Works/Capital Projects Director Bruce Bernard reported that the pool and restroom building plans for the 61 Avenue Park were complete and would go out for bid after it was approved by the bid spec committee on February 5th. Approval was also pending for the "PRC" unit by the Site Plan Committee and staff was presently working on retention areas and parking.

Mr. Bernard reported on drainage improvements and advised that the design and plans were being created for Vista Filare so that surveying could commence.

Mr. Bernard stated that staff was still waiting for plans from the School Board of Broward County for the Gessner Pavilion. He suggested that Broward County School Boardmember Carole Andrews be contacted to encourage this project. Mayor Venis stated he would call Ms. Andrews.

Mr. Bernard reported that the permit was received for Linear Park and improvements would begin on the east end. He advised that bids were received for the irrigation system. He stated that the removal of Australian Pines from SW 64 Avenue to Flamingo Road would begin shortly and clarified that the tree removal would be staggered over nine years.

Mr. Bernard stated that the lights had been installed at Nova High School and would be in use by the end of January. He indicated that some irrigation on the practice field would also be done by the Town. Mr. Bernard reported on the various overlays completed and in progress and advised that new signs would be installed at the entrances to the Robert H. Bamford Sports Complex at Pine Island Park.

Mr. Bernard reported that a new fuel island was being planned for the Police Department/ Fire Department on Nob Hill Road. He advised that the construction of Potter Park was in progress and indicated that he had met with a representative of the grant program and progress payments from the grant money would be paid prior to the completion of the park. Mr. Bernard reported that the lights at Western High School would be completed by January 18 and the Town would have access to those fields.

3.4 Sterling Performance Excellence Process - Mark Alan

Human Resources Director Mr. Alan summarized the activities relative to the Town's initiation into the Sterling Process. Vice-Mayor Paul asked when the strategic plans from each department would be submitted. Mr. Alan responded that his department had provided Mr. Willi with a schedule.

3.5 Upcoming Special Events - Bonnie Stafiej and Dennis Andresky

Special Projects Director Bonnie Stafiej advised that upcoming special events included: Dr. Martin Luther King Jr. Community Celebration at Potter Park (January 20); High School Rodeo State Championships (January 19-20); Potter Park groundbreaking ceremony (January 24); PRCA Championship Rodeo (January 26); Concert in the Park (January 27); and Justin Deveaugh dedication (January 30).

Parks and Recreation Director Dennis Andresky advised that upcoming special events included: adult and senior annual Valentines Day dinner and dance (February 8); Saint Patrick's

**TOWN COUNCIL
JANUARY 16, 2002**

Day celebration (March 15); adult and senior moviemania (monthly); Jazzercise (Monday through Friday); baseball registration (deadline February 1); and in-line spring hockey (registration).

Mayor Venis indicated that a presentation concerning I-75 would be added as item 3.6.

3.6 Mayor Venis spoke of a recent meeting with municipal leaders where consensus was that long range modifications to the I-75 proposal were needed. He advised that a recommendation was made to modify the interchange at Weston Road and I-595, which was a long-range and costly plan, but it would serve all communities better and would not negatively impact any one community. Mayor Venis felt that Council needed to lobby the Florida Department of Transportation (FDOT) regarding this matter. Vice-Mayor Paul indicated that she would be in Tallahassee for Broward Days and she offered to help lobby for this issue.

After some discussion, Council gave consensus that this was a good proposal and to proceed forward. Vice-Mayor Paul stated that there was a petition drive in western Davie asking the MPO to stand by the Town's resolution. She felt that this petition would still be effective.

Mayor Venis announced that items 7.7 and 10.2 needed to be tabled until February 6, 2002.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis advised that item 11.1 needed to be added.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis indicated that item 8.1 would be heard at this time.

8.1 Town Clerk Muniz read the ordinance by title. Mayor Venis swore in the witnesses.

Bill Laystrom, representing the petitioner, stated that he had no objection with considering these two amendments separately. He advised that he had met with the residents and indicated that he was seeking a tabling so that his client could conduct a traffic study, but offered a compromise to hear the item without action being taken.

Mayor Venis indicated that the residents were in attendance and deserved to have this item heard. He asked Mr. Kiar if the applicant had the right to table, adding that he did not want to table the item. Mr. Kiar indicated that the petitioner had the right to table the item twice. Mayor Venis asked Mr. Laystrom if he was still willing to pursue this project if Council's opinion did not favor this project. Mr. Laystrom indicated that his client could benefit from residents' and Council's comments, as they would use this as an opportunity to make sure the petitioner could address all obstacles and concerns. He stated that he was prepared to make a presentation if the item was not tabled.

**TOWN COUNCIL
JANUARY 16, 2002**

Mr. Kutney clarified that even if the item was approved by Council, it did not indicate approval of the project; rather it meant approval to transmit to the Department of Community Affairs. He stated that staff had prepared a technical review and summarized staff's findings of fact. Mr. Kutney argued staff's position on this issue to approve based on the staff report and available information. He further stated that once additional information was available, it would be weighed and staff's recommendation would be reviewed. He advised that the Local Planning Agency had unanimously recommended denial.

Mr. Laystrom introduced representatives appearing on the petitioner's behalf and argued the petitioner's basis for approval. He indicated that this site was examined to determine the appropriate density to help revitalize the neighborhood. Mr. Laystrom spoke of traffic issues along SW 58 Avenue and discussions with the residents about their traffic concerns. He advised that he had spoken with FDOT about possible modifications such as eliminating the left turn lane and adding other calming devices. Mr. Laystrom presented several photographs that displayed a similar project in Dade County. He offered a compromise that any commitments made during this hearing would need to be in place prior to the first permit issued. Mr. Laystrom spoke of the need to make improvements along SW 58 Avenue and that the Town would probably have to pay for these improvements if this application was not approved. He spoke of water, sewer, and drainage improvements the developer could make which would benefit the surrounding community.

Leigh Kerr, representing the petitioner, spoke of the land-use compatibility with the surrounding areas. He indicated that the petitioner supported staff's recommendation on the amendment and hoped Council would approve the transmittal to the Department of Community Affairs.

Mr. Laystrom indicated that even though the School Board projected that 57 students would move into the community and attend local schools, the residents felt that was a low figure so the petitioner had doubled that number and felt that the local school could still support the increase. He added that the petitioner would also like to be involved in trying to obtain more classroom space for this area. Mr. Laystrom indicated that where Westbrooke left off, his client would be willing to pitch in and help with the mitigation site. He spoke of park impact fees and indicated that the developer would be willing to pay all of these fees for each lot in advance so that the Town would have funds to make improvements on this site without having to wait for Westbrooke to pay.

George Bouza, representing Poinciana Estates, spoke of the vision for homes on this site and felt that one unit per acre was not appropriate for this area. He explained that self-sufficient amenities such as drainage, would be included and although the gated community was his trademark, it was not necessary. Mr. Bouza stated that homes would be built that were compatible to the surrounding neighborhood.

Each member of Council disclosed that they had spoken with several residents and the petitioner regarding this item.

Mayor Venis opened the public hearing portion of the meeting.

Rory Nolan, 5490 SW 55 Avenue, spoke in opposition to this proposal and felt that Mr. Laystrom's presentation did not resolve the problems that existed. He stated that his community would be more prepared to address this issue at the next hearing.

**TOWN COUNCIL
JANUARY 16, 2002**

Jim Brown, 5741 SW 54 Court, applauded the efforts of the petitioner, but felt that all the residents' concerns with regards to traffic had not been addressed and, as such, was opposed to this request. He urged Council to deny this request.

Valerie Losio, 5740 SW 54 Street, spoke of the history of the traffic problem along SW 58 Avenue. She felt that the decision of Council needed to be well thought-out as the increased traffic from this development would create a difficult situation.

Karen Nowicki, 5480 SW 55 Avenue, spoke of the negative impact a smaller development in this area had already made. She read an excerpt from the Miami Herald that indicated most people did not want more development, but in fact wanted more green spaces and open spaces. She stated that there were developments in the area that were one unit per acre and this was how this site should be developed.

Richard King, 5540 SW 54 Street, did not understand how the petitioner derived the figure of 57 children in 129 homes. According to the 2000 Census, there were 3.4 children per household and two cars per home which was in complete opposition to those stated by the petitioner. Mr. King reminded that the Town was trying to preserve its rural character, but developers were constantly trying to increase density.

Laura King, 5540 SW 54 Street, spoke of her past objections to developers trying to change land uses in her area. She spoke of the meeting with Mr. Laystrom and clarified that the residents' main concern was that the zoning was going to be changed and land use density increased. Ms. King asked Council to honor the reasonable expectations of the residents in this area and urged Council to deny this request.

Marie Kaplan, 5721 SW 54 Court, stated that if this request was approved, the area would become a construction zone for the three years it would take to complete the development. She was concerned that the road could not handle this type of traffic.

Robert Bage, 5750 SW 56 Street, was concerned with the traffic flow and traffic conditions on SW 58 Avenue and felt this project would make traffic unbearable. He was also concerned with drainage in the area and the impact the new development would have on it.

Tom Flaherty, 5450 SW 55 Avenue, thanked Mayor Venis and all those who attended the meeting at the Kaplan home. He had confidence that Council would make the appropriate decision.

John Undershaw, 5751 SW 54 Court, asked what would be done with the road if the developer's request was not granted. He felt that a compromise should be sought by Council as to the number of homes in the development. Mr. Undershaw realized that eventually the land would be developed and Council should negotiate the amenities the developer should be responsible for.

Al Wigglesworth, 5730 SW 54 Street, felt the Town should get a Florida Department of Transportation survey of the area so that the impact on the Florida Turnpike could be determined.

Mayor Venis indicated that public hearing would remain open.

Mr. Laystrom stated that some time was needed to determine if his client could address the concerns, especially traffic concerns, of the residents. He stated that the proposed density of the development would be lesser than that of the surrounding neighborhood.

**TOWN COUNCIL
JANUARY 16, 2002**

Councilmember Truex asked if the two parcels had to be considered together. Mr. Laystrom indicated that the north parcel could be considered on its own. He stood firm on the number of students that would impact the schools.

Mayor Venis asked Mr. Kiar if Council could deliberate. Mr. Kiar replied affirmatively. Mr. Laystrom felt Council comments would be helpful. Mr. Connick gave a legal opinion that clarified the request and the two separate parcels. He clarified that the north parcel could be considered separately.

Mayor Venis indicated that the developer had done a fine job with other projects in the Town, but felt the density was too important an issue to grant this request.

Vice-Mayor Paul felt that the petitioner's comment that an increase in density increased the tax base was not entirely accurate because an increase in density also increased the need for services. She felt that it was important to preserve two lane roads such as SW 58 Avenue and felt the lot sizes were even smaller than "E" zoning. Vice-Mayor Paul also felt that the figures Mr. Laystrom presented regarding the number of children were inaccurate and she agreed with Mr. King's calculations.

Councilmember Clark felt Poinciana homes had been good neighbors. She spoke of the proposal to divert traffic and stated that diverting traffic in troubled areas only created other troubled areas. Councilmember Clark felt that Ms. King was accurate in stating that the residents' request was reasonable. She realized the Town could not monitor traffic on all roads all the time, but stated that there was a valid traffic concern on SW 58 Avenue and it was a potential safety hazard without a new development in the area. Councilmember Clark urged Council to address this issue whether or not this request was approved. She did not agree with Mr. Laystrom's projections as far as the number of school children was concerned.

Councilmember Truex stated that if this development was not approved, residents should be involved with the property owner in making decisions regarding the future of this site. He felt that the petitioner had no options because the main concern was the density issue and they would be hard pressed to change the minds of the Council and residents.

Councilmember Starkey stated that SW 58 Avenue did not have the capacity for growth in the area and agreed that the density proposed was not compatible with the surrounding area. She spoke of school impact fees and felt that Palm Beach County was the way to model impact fees, as they were based on school zones rather than countywide. She also agreed that the community needed to be involved in the planning process with developers.

Mayor Venis stated that there were other issues in this neighborhood that needed to be addressed, including the Silver Lakes site. He stated that a workshop would be scheduled to address these concerns.

Mayor Venis indicated that this would be continued to the February 20th Council meeting.

Mayor Venis called for a recess at 9:27 p.m. and reconvened the meeting at 9:36 p.m.

8.2 Mayor Venis advised that a public hearing would be held on February 6, 2002. Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, public hearing was closed.

**TOWN COUNCIL
JANUARY 16, 2002**

Councilmember Truex made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Venis, yes; Vice-Mayor Paul, yes; Councilmember Clark, yes; Councilmember Starkey, yes; Councilmember Truex, yes. (Motion carried 5-0)

8.3 Town Clerk Muniz read the ordinance by title. Mayor Venis advised that a public hearing would be held on February 6, 2002.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke the public hearing was closed.

Councilmember Truex asked if this additional extension should complete the job. Mr. Kutney replied affirmatively and stated that there were minor changes that needed to be made before the RFP was issued.

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to approve. In a roll call vote, the vote was as follows: Mayor Venis, yes; Vice-Mayor Paul, yes; Councilmember Clark, yes; Councilmember Starkey, yes; Councilmember Truex, yes. (Motion carried 5-0)

9.1 Town Clerk Muniz read the ordinance by title. Mayor Venis swore in the witnesses. Development Services Director Mark Kutney summarized the planning report.

Mayor Venis asked if anyone wished to speak for or against the petition. As no one spoke the public hearing was closed.

John Voigt, representing Young at Art, asked that this be approved.

Neil Kalis, representing Young at Art, also asked Council to approve this item.

Council disclosed that they had spoken with Mr. Kalis.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis, yes; Vice-Mayor Paul, yes; Councilmember Clark, yes; Councilmember Starkey, yes; Councilmember Truex, yes. (Motion carried 5-0)

4. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR VENIS (9:44 p.m. - 9:50 p.m.)

CONGRATULATIONS. Mayor Venis congratulated the Davie Merchants Industrial Association on its installation banquet. He congratulated Wayne Arnold for installation as Chairman and presented Mr. Arnold with a proclamation, naming January 15th as "Wayne Arnold" day in the Town.

WESTBROOKE. Mayor Venis advised that he and Mr. Kiar had met with Westbrooke developers to resolve the mitigation issue. Mayor Venis stated that staff was going to meet again with the developers to provide a proposal of what the Town wanted for the buffer.

DAVIE ELEMENTARY SCHOOL PTO. Mayor Venis stated that progress was being made to alleviate the traffic issues and that staff would be making recommendations, but it would be the School Board's responsibility to alleviate the problem. He added that Principal Snyder indicated that he had seen an improvement.

BUDGET. Mayor Venis spoke of the budget process and the proposed supplemental budget that was to be brought before Council in January. He asked Acting Budget and Finance Director Carol Menke to address Council at a future meeting regarding the budget.

**TOWN COUNCIL
JANUARY 16, 2002**

DRAINAGE. Mayor Venis stated there was a drainage meeting on January 30th at the Public Safety Complex on Nob Hill Road.

BOUNDARY ISSUES. Mayor Venis stated that the boundary issues for HHH High School would be addressed at the February 20th and March 20th School Board meetings. As these meetings conflicted with Council meetings, Mayor Venis indicated that discussion regarding rescheduling the Council meetings would be discussed at the end of the meeting.

PIANO. Mayor Venis stated that a piano was found for the multipurpose facility at Pine Island Park. He stated that he would provide additional information at the next Council meeting.

COUNCILMEMBER CLARK (9:50 p.m. - 9:53 p.m.)

DAVIE ELEMENTARY SCHOOL. Councilmember Clark stated that she was pleased with the report and indicated that she had seen an improvement.

SPEED HUMPS. Councilmember Clark stated that she had still not received a response regarding her request for a speed hump in her neighborhood. She was concerned because she had made the request eight months ago.

WESTBROOKE. Councilmember Clark recommended that the developer be given a deadline to complete the mitigation site.

COMMUNITY RELATIONS ADVISORY BOARD. Councilmember Clark invited those interested or those with issues or concerns to attend these meetings.

DR. MARTIN LUTHER KING JR. CELEBRATION. Councilmember Clark hoped that people would attend this celebration as Dr. King deserved recognition.

COUNCILMEMBER TRUEX (9:53 p.m. - 10:01 p.m.)

PINE ISLAND RIDGE. Councilmember Truex spoke of resident groups in Pine Island Ridge and their plans for the future. He felt it was important to respect these decisions.

TABLINGS. Councilmember Truex felt that petitioners should not be granted the right to numerous tablings and there should be a deadline for tablings as it was very inconvenient for residents who made plans to address issues.

EVERGLADES. Councilmember Truex felt that Council should support a resolution indicating its opposition to oil exploration in the Everglades.

FIRE RESCUE. Councilmember Truex spoke of the professionalism of the Davie Fire Department and said they were "second to none." He spoke of the EMS Coalition and asked Fire Chief Don DiPetrillo to speak on the regional fire rescue service issue.

Chief DiPetrillo spoke about the EMS Coalition's vision of fire rescue in the County and indicated that the County was recommending regionalization. There were four key points to the platform: a regional communications network; a closest unit response plan regardless of jurisdictional boundaries for emergencies; regional specialist teams; and countywide data analysis to establish where the "savings and issues" were.

COUNCILMEMBER STARKEY (10:01 p.m. - 10:09 p.m.)

**TOWN COUNCIL
JANUARY 16, 2002**

EMS COALITION. Councilmember Starkey spoke of the four points discussed by Chief DiPetrillo and felt that all County residents should indicate their support to their respective County Commissioners.

SOUTH FLORIDA REGIONAL TRANSPORTATION SUMMIT. Councilmember Starkey spoke of her attendance at the Summit. One objective was to create a South Florida Regional Transportation Authority created under the legislature so that it could lobby for funding. She felt that it was important to have the Town's concerns heard so that initiatives derived from the regional meetings were in line with the Town's objectives.

TRAUMA CENTER. Councilmember Starkey spoke of the need for a regional trauma center in western Broward County as all trauma centers were east of I-95.

NOB HILL TRAFFIC. Councilmember Starkey spoke of the Nob Hill traffic issue and the resolution on this agenda. She stated that she was working with various groups to find solutions for the traffic congestion by Indian Ridge Middle School.

CHARTER SCHOOLS. Councilmember Starkey distributed literature regarding Charter schools in the State of Florida.

VICE-MAYOR PAUL (10:09 p.m. - 10:19 p.m.)

TRAFFIC STUDY. Vice-Mayor Paul advised that she had met with Mr. Bruner of Calvin Giordano on the western area traffic study and felt encouraged that he would be able to submit helpful suggestions. She also felt he would be helpful regarding the horse-crossing signs. Vice-Mayor Paul thanked Mr. Bernard for his efforts in getting horse-crossing signage reinstalled at SW 61 Avenue and SW 64 Avenue and a horse crossing light at the Old Davie School.

BIKE APPRECIATION RALLY. Vice-Mayor Paul indicated that she had attended the rally with Mayor Venis and spoke of the contributions made to help the James Junior Cancer Fund at Joe DiMaggio Children's Hospital.

INDIAN RIDGE MIDDLE SCHOOL. Vice-Mayor Paul stated that she had been appointed to the Indian Ridge Middle School's School Advisory Council. One issue that was discussed at this meeting was the proposal to place an exit from the Police Department parking lot onto State Road 84.

HONDA CLASSIC FOR JUNIOR ACHIEVEMENT. Vice-Mayor Paul stated that she needed 400 volunteers for this event and asked if the word could be put out for interested staff.

CLUELESS IN LAS OLAS. Vice-Mayor Paul advised that Partners in Education needed volunteers for this event.

DAVIE WATER AND ENVIRONMENTAL ADVISORY BOARD. Vice-Mayor Paul spoke of proposed projects for the Board and asked Council to make recommendations.

SENIOR CITIZEN ADVISORY COMMITTEE. Vice-Mayor Paul stated that she had attended the meeting and the Committee was concerned that there was no signage on the front of the Davie Transit buses. The Committee also wanted to know if it was possible for seniors to get a discount for usage of the Pine Island Park Fitness Center, as the fee was increased to \$150.

POT LUCK DINNER. Vice-Mayor Paul advised that she had attended the dinner and complimented Ms. Davis' cooking.

DAVIE MERCHANT INDUSTRIAL ASSOCIATION. Vice-Mayor Paul indicated that she also had attended the installation Dinner and congratulated Mr. Arnold for his appointment as Chair. She sent condolences to the Thomas family for their loss.

**TOWN COUNCIL
JANUARY 16, 2002**

LEVEE OPENING. Vice-Mayor Paul shared a photograph of last year's opening of the levee.

5. TOWN ADMINISTRATOR'S COMMENTS (10:19 p.m. - 10:26 p.m.)

FALCON LEA. Mr. Willi advised that the Falcon Lea property purchase was finalized and the parks' name needed to be decided. He stated that staff would make recommendations for the development of this site.

FLORIDA POLICE CHIEFS CONFERENCE. Mr. Willi advised that he and Police Chief John George attended the conference in St. Augustine where the topic of the conference was terrorism.

SW 58 AVENUE TRAFFIC ENFORCEMENT. Mr. Willi stated that Chief George had submitted a report regarding the traffic concerns and enforcement on this road and reported that 175 speeding tickets had been given out since this issue was brought before Council. He stated that there were major violations and the enforcement was very effective. Other speed calming devices were being reviewed to alleviate the problems.

DAVIE UPDATE. Mr. Willi advised that the deadline was January 15th.

JOLMY TRUCKSTOP. Mr. Willi advised that the owner was negotiating to sell the property and have a new owner develop it under the original conceptual plan. He stated that there were a number of issues that needed Council's direction and one proposal from the owner was suggesting was the possibility of a public/private partnership with the Town possibly underwriting a bond issue. Mr. Willi stated that the individuals making the presentation had claimed that the Town had no liability and staff questioned why the Town was needed if there was no liability. Mayor Venis reported that these individuals had indicated that they had done similar types of financing in Metro-Dade County and the Town would not be involved because it was a private issue.

NEW TOWN ENGINEER. Mr. Willi and Mr. Kutney introduced Larry Peters, the new Town Engineer.

6. TOWN ATTORNEY'S COMMENTS (10:19 p.m. - 10:26 p.m.)

CITRUS CANCER. Mr. Kiar spoke of the citrus canker trial in Pompano, which was rescheduled for April 16th. He explained that the postponement was due to the Department of Agriculture's refusal to comply with the discovery demands of the County and the Coalition of Cities. Mr. Kiar stated that the Department of Agriculture had three appeals in process and added that a fourth appeal was forthcoming which would charge that the administrative law judge was biased.

TABLING. Mr. Kiar spoke of the Code section pertaining to the petitioner's right to tabling. He suggested that the Town Attorney's office prepare an amended ordinance that would give discretion for a tabling to Council, not the petitioner.

Councilmember Clark stated that the right to table should not be taken away, but there should be a deadline prior to the Council meeting. Mr. Kiar stated that the amendment would allow Council discretion, but it would not take the right away from the petitioner. Mayor Venis stated that he would not mind having an amended ordinance that included a deadline. Councilmember Truex suggested a compromise that allowed the petitioner to table one time with 48 hours notice and that Council would have discretion on any other instances. Councilmember Clark felt that the ordinance should also limit the amount of times staff could

**TOWN COUNCIL
JANUARY 16, 2002**

request a tabling. Mr. Connick felt that Council should allow themselves the flexibility to table as many times as needed so as to not be forced into making a decision.

7. CONSENT AGENDA (10:37 p.m. - 10:57 p.m.)

Minutes

- 7.1 November 7, 2001 - Regular Meeting
- 7.2 November 20, 2001 - Regular Meeting

Proclamation

- 7.3 South Florida Senior Games (January 23, 2002)

Home Occupational Licenses

- 7.4 Catalog Boutique, 3550 SW 124 Avenue
- 7.5 Customs Review of South Florida, Inc., 6920 SW 56 Court
- 7.6 Vicamm Investments, LLC., 6899 SW 50 Street

Resolutions

7.7 STAFF REQUESTING A TABLING TO FEBRUARY 6, 2002

INSURANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING CIGNA HEALTHCARE TO PROVIDE FULLY-INSURED GROUP MEDICAL BENEFITS INCLUDING A HEALTH MAINTENANCE ORGANIZATION (HMO) PLAN AND A POINT OF SERVICE (POS) PLAN, AND AN EMPLOYEE ASSISTANCE PROGRAM (EAP); SELECTING COMPBENEFITS CORPORATION TO PROVIDE FULLY-INSURED GROUP DENTAL BENEFITS INCLUDING A DENTAL MAINTENANCE ORGANIZATION (DMO) PLAN AND A DENTAL PROVIDER ORGANIZATION (DPO) PLAN; SELECTING STANDARD INSURANCE COMPANY TO PROVIDE LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT (AD&D) INSURANCE BENEFITS, LONG TERM DISABILITY (LTD) INSURANCE BENEFITS, AND SHORT TERM DISABILITY (STD) INSURANCE BENEFITS; AND AUTHORIZING THE HUMAN RESOURCES DIRECTOR TO EXECUTE APPROPRIATE APPLICATIONS AND CONTRACTS FOR SAID BENEFIT PLANS. (tabled from December 19, 2001)

- 7.8 **REVISING PAY AND CLASSIFICATION PLAN - A RESOLUTION OF THE**
R-2002-8 TOWN OF DAVIE, FLORIDA, REVISING AND REASSIGNING THE PAY GRADE OF THE CLASS SPECIFICATION OF PROCUREMENT MANAGER AND DEPUTY BUDGET AND FINANCE DIRECTOR IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN AND PROVIDING AN EFFECTIVE DATE. (tabled from November 20, 2001)

- 7.9 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**
R-2002-9 THE BIDS FOR FITNESS EQUIPMENT. (Atlantis Fitness for Groups I & II and Capital Fitness for Group III; \$24,711)

**TOWN COUNCIL
JANUARY 16, 2002**

- 7.10 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2002-10 THE BID AWARDED BY BROWARD COUNTY, CONTRACT NUMBER N-7-00-
162-B2 FOR EMERGENCY INSTALLATION AND REPAIR SERVICES FOR
WATER AND SEWER SYSTEMS. (W. Jackson & Sons Construction - \$200,000)
- 7.11 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2002-11 THE BID AWARDED BY BROWARD COUNTY, CONTRACT NUMBER P2077-
99 FOR REHABILITATION OF SEWER LINES. (Insituform Technologies, Inc. -
\$150,000)
- 7.12 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2002-12 THE BID TO PURCHASE EQUIPMENT FOR ONE RESCUE PUMPER, CITY OF
TALLAHASSEE BID NO. 2166-95-R01-1GG. (Emergency One, Inc./Hallmark
Fire Apparatus - \$54,803.12)

**TOWN COUNCIL
JANUARY 16, 2002**

- 7.13
R-2002-13 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRMS OF KEITH AND SCHNARS, H.J. ROSS ASSOCIATES, AND GABY & GABY, INC. TO PROVIDE FIELD BIOLOGIST/ECOLOGIST SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AGREEMENTS FOR SUCH SERVICES. (\$7,500/year)
- 7.14
R-2002-14 **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AMENDED AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR TRAFFICWAYS BEAUTIFICATION IMPROVEMENTS TO FLAMINGO ROAD MEDIANS FROM SW 36 COURT TO SW 14 STREET WITHIN THE TOWN OF DAVIE AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT.
- 7.15
R-2002-15 **GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A GRANT FROM THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION, RECREATIONAL TRAILS PROGRAM; AND PROVIDING AN EFFECTIVE DATE. (\$20,000 in matching funds)
- 7.16
R-2002-16 **MONEY PURCHASE PLAN AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING CERTAIN AMENDMENTS TO THE TOWN OF DAVIE MONEY PURCHASE PLAN IN ACCORDANCE WITH THE ECONOMIC GROWTH AND TAX RELIEF AND RECONCILIATION ACT OF 2001 AND PROVIDING AN EFFECTIVE DATE.
- 7.17
R-2002-17 **TRAFFIC IMPROVEMENTS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, URGING THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS TO ACCELERATE THE CONSTRUCTION AND COMPLETION OF TWO TRAFFIC IMPROVEMENTS ON NOB HILL ROAD SOUTH OF STATE ROAD 84 TO INCREASE PUBLIC SAFETY.
- 7.18
R-2002-18 **APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR, OR HIS DESIGNEE, TO APPLY FOR THE ALL-AMERICAN CITY AWARD. (\$475)
- 7.19
R-2002-19 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR MOTOROLA COMMUNICATIONS EQUIPMENT, PALM BEACH COUNTY SCHOOL BOARD CONTRACT NUMBER 02C-6E. (\$102,679.86)

**TOWN COUNCIL
JANUARY 16, 2002**

7.20 **TRAUMA CENTER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2002-20 **SUPPORTING A FOURTH STATE APPROVED TRAUMA CENTER IN**
 WESTERN BROWARD COUNTY.

Temporary Use Permits

7.21 TU 10-2-01, St. Bernadette Church, 7450 Stirling Road

7.22 TU 11-1-01, Antique Automobile Club of America, 1986 South University Drive
Mayor Venis requested that items 7.5 and 7.8 be removed from the Consent Agenda.
Councilmember Truex asked that items 7.9 and 7.10 be removed.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve the Consent Agenda without items 7.5, 7.8, 7.9, and 7.10. In a voice vote, all voted in favor. (Motion carried 5-0)

7.5 Mayor Venis advised that he needed to abstain from voting as the petitioner was his client.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to approve. In a voice vote, with Mayor Venis abstaining, all voted in favor. (Motion carried 4-0)

7.8 Mayor Venis thought this item was not going to be revisited until the organizational plan was adopted by Council. He spoke with the Chair of the Budget Advisory Committee who stated that recommendations would be made

Councilmember Clark stated she was never in favor of tabling this item because the position was not being reorganized, but the pay classification was being adjusted. Councilmember Starkey stated that she was more apt to approve it than to table it.

Mayor Venis asked if this could be tabled to the second meeting in February so that the Budget Advisory Committee could present its plan with the supplemental budget and other new reclassifications, and so that the quarterly report could be reviewed.

Councilmember Starkey felt it was not fair that these positions were still being debated. Councilmember Truex felt that conclusive back-up had not been provided to support this.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to approve. In a voice vote, with Mayor Venis and Councilmember Truex dissenting, all voted in favor. (Motion carried 3-2)

7.9 Councilmember Truex discussed the inconsistencies with this bid, which was supposed to piggyback on a School Board of Broward County bid. Mr. Andresky stated that the total should be \$22,012; however, Councilmember Truex stated that the spreadsheet added up to \$39,000. Procurement Manager Herb Hyman clarified that the amounts were not to be totaled, rather certain items from each group would be selected to total \$22,000.

Council felt that the spreadsheet should be more detailed to specify exactly what was being purchased. Mr. Hyman stated that the spreadsheet indicated what was being bought and what might be bought in the future. Councilmember Truex suggested tabling this item until the numbers added up. Mr. Andresky stated that he was concerned because the users of the fitness center were promised the new equipment and the grand opening was tentatively scheduled for

**TOWN COUNCIL
JANUARY 16, 2002**

February. Mr. DiCarlo specified the actual purchases from each category, which came to a total that was within the allotted budget allowance.

Councilmember Truex made a motion, seconded by Councilmember Clark, to approve at \$22,000. In a voice vote, all voted in favor. (Motion carried 5-0)

7.10 Councilmember Truex indicated that he would not support the resolution without bidding this out. Utilities Director Daniel Colabella explained that this would only be in an emergency and it would be easier to manage. He felt that the County bid was a fair indicator of what an emergency would cost.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Councilmember Clark and Councilmember Truex dissenting, all voted in favor. (Motion carried 3-2)

8. PUBLIC COMMENTS

Ordinance - First Reading (Public Hearing anticipated to be April 17, 2002)

- 8.1 **TRANSMITTAL** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL APPLICATION LA 02-1, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL 1 DU/ACRE TO SPECIAL CLASSIFICATION (RESIDENTIAL 2.4 D.U./ACRE); AND SPECIAL CLASSIFICATION (RESIDENTIAL 2 D.U./ACRE) TO CONSERVATION"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (5000 and 5400 SW 58 Avenue) (tabled from January 2, 2002)

This item was tabled earlier in the meeting.

Ordinances - First Reading (Public Hearing to be held February 6, 2002)

- 8.2 **LAND USE PLAN MAP** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING APPLICATION LA(MAP) 01-2A, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO PROVIDE A COMMERCIAL LAND USE CLASSIFICATION TO A PARCEL OF LAND RECENTLY IDENTIFIED AS BEING WITHIN THE TOWN OF DAVIE BOUNDARIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (southeast corner of University Drive and Stirling Road)

This item was approved earlier in the meeting.

- 8.3 **MORATORIUM** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA DECLARING A SIX MONTH MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS AND ON THE ISSUANCE OF PERMITS AND APPROVALS FOR THE CONSTRUCTION OF WIRELESS TELECOMMUNICATIONS TOWERS; PROVIDING FOR EXCEPTIONS; SETTING FORTH EXPIRATION AND EFFECTIVE DATES.

**TOWN COUNCIL
JANUARY 16, 2002**

This item was approved earlier in the meeting.

9. PUBLIC HEARINGS

Ordinance - First Reading/Quasi Judicial Matter (Second and Final Reading to be held February 6, 2002)

- 9.1 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-3, LOW DENSITY DWELLING DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 11-1-01, Town of Davie/ChelseaLynn Corp., 12100 State Road 84 (from R-3 to CF) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*)

This item was approved earlier in the meeting.

10. OLD BUSINESS (10:57 p.m. - 11:21 p.m.)

10.1 Advisory Board Consolidation

Assistant Town Administrator Ken Cohen sought direction from Council to consolidate some Boards.

Mayor Venis felt that Vice-Mayor Paul was correct with proposing projects for the Davie Water Environmental and Advisory Board and indicated that the Budget Advisory Board was given similar projects. He felt that a few boards should be consolidated and perhaps others should meet less frequently. Mayor Venis also felt that resident input should be sought prior to abolishing some boards, but realized that it was a time constraint on staff.

Councilmember Starkey felt that meeting participation was important, but staff time was important as well. She felt that subcommittees could be formed and these subcommittees would be exempt from the Sunshine Laws.

Councilmember Truex reminded that his ordinance draft did not propose to abolish any boards; rather, it established standards for review to be sunsetted. He suggested using the original ordinance that he drafted. Councilmember Truex felt that eliminating boards was a separate issue.

Vice-Mayor Paul felt that Council could agree to consolidate some of the boards and suggested that some meet every other month.

Mayor Venis felt that the Youth Advisory Board and the Parks and Recreation Advisory Board could be merged. Councilmember Starkey felt that the Davie Water and Environmental Advisory Board and the Open Space Advisory Board could be merged.

Councilmember Clark stated that some of the boards were so large that it was difficult to have a quorum. Vice-Mayor Paul stated that the quorum number could be standardized.

Councilmember Clark felt that the Community Relations Advisory Board could not meet on a rotating basis as this Board met when problems arose. Mayor Venis recommended staggering the Boards, and clarified that special meetings could be called. Councilmember Truex expressed his desire to bring forth the original ordinance with the sunset provision. He stated that staggering the Boards was a different issue. It was suggested to stagger the Child Safety Board, the Davie Water and Environment Advisory Board, and the Open Space Advisory

**TOWN COUNCIL
JANUARY 16, 2002**

Committee. It was also suggested that Youth Advisory and Parks and Recreation Advisory Boards be combined.

Councilmember Truex asked Mr. Willi to add appointments to the next Council meeting.

10.2 STAFF REQUESTING A TABLING TO FEBRUARY 6, 2002

Petitioner's Conceptual Plan - SP 4-2-00, Armadillo Square, 4614 SW 64 Avenue (Griffin Road Corridor) (tabled from November 7, 2001)

This item was tabled earlier in the meeting.

11. NEW BUSINESS (10:21 p.m. - 11:32 p.m.)

- 11.1 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
R-2002-21 APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE JEWISH FEDERATION OF BROWARD COUNTY, INC., RELATING TO THE PROVISION OF A LIEN FOR THE SECURITY TO SECURE THE REQUIRED DEVELOPMENT IMPROVEMENTS FOR THE DAVID POSNACK JEWISH COMMUNITY CENTER; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT.

Town Clerk Muniz read the ordinance by title.

Councilmember Truex asked if the "exhibit that was being pledged was the entire facility." Mr. Willi believed it was for the phase of the improvement that was being proposed.

Jason Eppy, representing the petitioner, explained that the improvements outlined the remaining portion of the final phase of the building, improvements to the paving area, and the underground facilities.

Mr. Kiar referred to item 2 (A) of the contract. He asked if there were any mortgagees. Mr. Eppy indicated that there were no mortgagees.

Mr. Kiar stated that this organization was in fine standing. Councilmember Truex agreed, but stated that this type of item should not be approved without a bond for all applicants.

Councilmember Truex made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0).

12. ADJOURNMENT

There being no objections or further business to discuss, the meeting adjourned at 11:32 p.m.

Approved _____

Mayor Venis

Town Clerk